



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 6668-03
3 September 2003

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former commissioned officer in the Naval Reserve, filed an application with this Board requesting that his record be corrected to show that he was not discharged but continued to serve as a member of the Naval Reserve.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 September 2003 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner was commissioned in the Naval Reserve on 17 April 1992. On 17 April 1996 he accepted an appointment in the Regular Navy and was subsequently promoted to lieutenant (LT; O-3). He resigned his commission and was honorably discharged on 1 March 2000. The next day he accepted a commission in the Naval Reserve and was placed in the Individual Ready Reserve (IRR).

d. Petitioner did not participate in the reserve program, which led to two failures of selection to lieutenant commander (LCDR; O-4). The record shows that on 3 February 2003 the Navy Personnel Command sent him a letter informing him that he had twice failed of selection and his discharge was required. However, he was also informed that upon request, he would be

considered for continuation in the Naval Reserve. If such a request was not received by 7 March 2003, he would be honorably discharged on 1 April 2003. This letter was not sent to Petitioner's current address.

e. A reserve officer recruiter states that he began the process of accessing Petitioner into a drilling status on 15 January 2003. After going through the selection process, he was affiliated with a reserve squadron on 25 March 2003. The recruiter states that a check of a computer data base did not reveal that Petitioner's discharge was pending. Petitioner states he began drilling on 28 March 2003 and trained 24 of the next 30 days. On 9 May 2003 he completed ground training and all simulator events for the C-40A aircraft and was scheduled for his first flight in the C-40A on 23 May 2003. However, on 17 May 2003 he received a letter, dated 13 May 2003, informing him that he had been discharged on 1 April 2003.

f. The squadron commanding officer states that Petitioner was selected from 17 highly qualified candidates to become a member of the squadron. He states that the Navy spent about \$35,000 in training Petitioner and that it would be a waste of taxpayer dollars and man-hours to discharge him.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that if Petitioner had requested continuation, or if the continuation board had been aware of his affiliation with a reserve unit, he would have been continued and not discharged. Given his desire to serve and the valuable training he received, the Board concludes that the record should be corrected to show that he was selected for continuation and that his discharge on 1 April 2003 should be cancelled.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand he is a member of the Naval Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 1 April 2003 but that prior to that date he was selected for continuation in the Naval Reserve.

b. That this Report of Proceedings be filed in Petitioner's naval record.

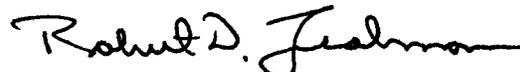
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


~~For~~ W. DEAN PFEIFFER
Executive Director